

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

BILLY D. STEWART,

Plaintiff,

v.

JOE MATTHEWS, et al.,

Defendants.

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No. 3:11-cv-01204

Judge Haynes

ORDER


The Court has before it a *pro se* complaint brought under 42 U.S.C. § 1983. The Plaintiff resides in Hendersonville, Tennessee. (Docket No. 1). The Plaintiff has submitted an application to proceed *in forma pauperis*. (Docket No. 2).

The Plaintiff, who has recently been released from the Sumner County Jail, states in his application that he has no assets, no money, no employment, and owes over \$30,000 in child support payments. He appears to be living with a friend or relative. (Docket No. 2). Thus, it appears from the Plaintiff's application that he cannot afford to pay the filing fee. Therefore, the Clerk will **FILE** the complaint *in forma pauperis*. 28 U.S.C. § 1915(a). However, process shall **NOT** issue.

As provided in the accompanying memorandum, the complaint is **DISMISSED** for failure to state a claim on which relief may be granted. Because an appeal would **NOT** be taken in good faith, the Plaintiff is **NOT** certified to pursue an appeal from this judgment *in forma pauperis*. Nevertheless, should the Plaintiff decide to file a notice of appeal, he either must pay the Clerk of Court the full four hundred fifty-five dollar (\$455.00) appellate filing fee, or submit a new application to proceed *in forma pauperis*.

Entry of this Order shall constitute the judgment in this action.

It is so **ORDERED**.


William J. Haynes, Jr.
United States District Judge
1-5-12